

# **EXHIBIT E**



Cooper Strickland <cooper.strickland@gmail.com>

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## Strickland v. US

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Kolsky, Joshua (CIV) <Joshua.kolsky@usdoj.gov>  
To: Cooper Strickland <cooper.strickland@gmail.com>  
Cc: "Westmoreland, Rachael (CIV)" <Rachael.Westmoreland@usdoj.gov>, "McMahon, Madeline M (CIV)" <Madeline.M.McMahon@usdoj.gov>, "Wolfson Young, Danielle (CIV)" <Danielle.Young2@usdoj.gov>

Wed, May 17, 2023 at 3:03 PM

Cooper,

I'm writing to follow-up about Defendants' document request seeking documents concerning Plaintiff's expert witnesses, discussed below. As I've noted previously, Plaintiff did not object to that request and we see no reason why responsive documents concerning Dr. Albrecht, who has already provided an expert report in this case, cannot be produced at this time. We ask that Plaintiff please produce responsive documents by the close of business this Friday, May 19. Otherwise, Defendants intend to move under Rule 37(a)(3)(B) to compel Plaintiff to produce responsive documents.

Also, because Plaintiff's failure to produce responsive documents is preventing Defendants' expert from completing his own expert report, Defendants' motion will also ask the Court to extend the deadline for Defendants' expert disclosures until 21 days after Plaintiff finishes producing responsive documents.

We think Defendants are clearly entitled to receive responsive documents and that there is no legitimate basis for Plaintiff to delay production. We hope that we can resolve this issue without the need to burden the Court. If you would like to discuss, please let us know.

Regards,

Josh

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**From:** Cooper Strickland <cooper.strickland@gmail.com>  
**Sent:** Thursday, May 4, 2023 6:12 PM  
**To:** Kolsky, Joshua (CIV) <Joshua.kolsky@usdoj.gov>  
**Cc:** Westmoreland, Rachael (CIV) <Rachael.Westmoreland@usdoj.gov>; McMahon, Madeline M (CIV) <Madeline.M.McMahon@usdoj.gov>; Wolfson Young, Danielle (CIV) <Danielle.Young2@usdoj.gov>  
**Subject:** Re: [EXTERNAL] Re: Strickland v. US

Thanks Josh. Because I was not involved with these issues, I am going to reach out to Liv regarding this matter so that I can get you a more informed position.

I am also considering the other request you sent this afternoon and I will be back in touch.

Cooper

On Wed, May 3, 2023 at 1:31 PM Kolsky, Joshua (CIV) <Joshua.kolsky@usdoj.gov> wrote:

I agree that expert disclosures under Rule 26(a)(2) are due on June 1, but Defendants' document request does not seek Rule 26(a)(2) disclosures. Rather, it seeks documents relating to Plaintiff's expert witnesses. Plaintiff has already provided disclosures for one of Plaintiff's experts, Dr. Albrecht. Dr. Albrecht's report relies on materials that have not been disclosed in discovery, and it is important that Defendants' expert review those materials in order to prepare his own expert report. I understand that Plaintiff has identified a second expert in this case, and we do not object to Plaintiff deferring production of documents relating to that expert until that expert's report has been provided. But we see no reason to delay the production of documents relating to Dr. Albrecht.

Regards,

Josh

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**From:** Cooper Strickland <cooper.strickland@gmail.com>  
**Sent:** Wednesday, May 3, 2023 12:00 PM  
**To:** Kolsky, Joshua (CIV) <Joshua.kolsky@usdoj.gov>  
**Cc:** Westmoreland, Rachael (CIV) <Rachael.Westmoreland@usdoj.gov>; McMahon, Madeline M (CIV) <Madeline.M.McMahon@usdoj.gov>; Wolfson Young, Danielle (CIV) <Danielle.Young2@usdoj.gov>  
**Subject:** [EXTERNAL] Re: Strickland v. US

Thanks for your email. Based on Liv's April 3, 2023 email regarding this issue (see below), it was my understanding that our disclosures are due by June 1, 2023. I think this was based on a phone conversation on March 31st. Let me know if you disagree with that understanding.

Josh –

Thank you for summarizing the conversation. We will reply to your inquiries by the end of the week.

In addition, we wanted to confirm that we also discussed your March 28, 2023 Third Request for Production, regarding experts. We explained that we would continue to provide expert materials when they are available, as we have already done regarding Dr. Albrecht. However, we confirmed that the deadline for Plaintiff's expert disclosures remains June 1, 2023, pursuant to our prior agreement and the Court's Order.

Best,

Liv

On Wed, May 3, 2023 at 11:39 AM Kolsky, Joshua (CIV) <Joshua.kolsky@usdoj.gov> wrote:

Cooper,

I don't believe we ever received a response to the document request served in the email below (attached hereto), seeking documents concerning Plaintiff's expert witnesses. Does Plaintiff intend to respond to that request? In particular, we ask that Plaintiff please provide the "questionnaire completed by Ms. Strickland" referenced on page 2 of the expert report of Gary Albrecht, as well as any notes of the conversation(s) between Ms. Strickland and the

experts (page 2 of the report notes that the experts "have spoken with Ms. Strickland"). It is important that we receive these materials as soon as possible. If you'd like to discuss, please let me know.

Thanks,

Josh

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**From:** Kolsky, Joshua (CIV)  
**Sent:** Tuesday, March 28, 2023 4:27 PM  
**To:** Olivia Warren <warren@tfblawyers.com>; phil@calebandonian.com; Jeannie Suk Gersen <jeannie.gersen@gersengroup.com>; Cooper Strickland <cooper.strickland@gmail.com>  
**Cc:** Westmoreland, Rachael (CIV) <Rachael.Westmoreland@usdoj.gov>; McMahon, Madeline M (CIV) <Madeline.M.McMahon@usdoj.gov>  
**Subject:** Strickland v. US

Counsel,

Please see the attached request for production of documents.

Best regards,

Josh

**Josh Kolsky**

Trial Attorney

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